

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 718, Page 1, in the Title, Line 3, by deleting the words "volunteer labor on"; and

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3 Further amend said bill and page, Section A, Line 2, by inserting the following after all of said line:

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5 "67.5050. 1. As used in this section, the following terms mean:

6 (1) "Design-build", a project for which the design and construction services are furnished under one
7 contract;

8 (2) "Design-build contract", a contract between a political subdivision and a design-builder to furnish
9 the architectural, engineering, and related design services and the labor, materials, and other construction
10 services required for a specific construction project;

11 (3) "Design-build project", the design, construction, alteration, addition, remodeling, or improvement
12 of any buildings or facilities under contract with a political subdivision. Contracts for design-build projects
13 that involve the construction, replacement, or rehabilitation of a political subdivision property such that, in all
14 cases, the project must exceed an expenditure of one million dollars;

15 (4) "Design-builder", any individual, partnership, joint venture, corporation, or other legal entity that
16 furnishes architecture or engineering services and construction services either directly or through
17 subcontracts;

18 (5) "Design criteria package", performance-oriented specifications for the design-build project
19 sufficient to permit a design-builder to prepare a response to the political subdivision's request for proposals
20 for a design-build project, which may include preliminary designs for the project or portions thereof.

21 2. (1) Notwithstanding any other provision of law to the contrary, any political subdivision is
22 authorized to enter into design-build contracts for design-build projects that exceed an expenditure of one
23 million dollars.

24 (2) In using a design-build contract, the political subdivision shall establish a written procedure by
25 rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the
26 project. The political subdivision, when establishing the prequalification procedure and factors of
27 consideration, shall not discriminate against a design-builder for entering or refusing to enter or to remain
28 signatory or otherwise adhere to agreements with one or more labor organizations.

29 (3) The political subdivision shall adopt procedures for:

30 (a) The prequalification review team;

31 (b) Specifications for the design criteria package;

32 (c) The method of advertising, receiving, and evaluating proposals from design-builders;

33 (d) The criteria for awarding the design-build contract based on the design criteria package. As part
34 of such criteria, the political subdivision may require a separate proposal stating the cost of construction; and

35 (e) Other methods, procedures, and criteria necessary to administer this section.

Action Taken _____ Date _____

1 (4) The political subdivision is authorized to issue a request for proposals to a minimum of two and a
2 maximum of five design-builders who are prequalified in accordance with this section.

3 (5) The political subdivision may require approval of any person performing subcontract work on the
4 design-build project including, but not limited to, those furnishing design and construction services, labor,
5 materials, or equipment.

6 3. (1) Before the prequalification process specified in this section, the political subdivision shall
7 publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified
8 under chapter 493, located within the political subdivision, or, if there is no such newspaper, in a qualified
9 newspaper of general circulation in the county, or, if there is no such newspaper, in a qualified newspaper of
10 general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for
11 qualification submissions on said design-build project.

12 (2) If the political subdivision fails to receive at least two responsive submissions from
13 design-builders, submissions shall not be opened and the political subdivision shall re-advertise the project.

14 (3) The political subdivision shall have the right to reject any and all submissions and proposals.

15 (4) The proposals from prequalified design-builders shall be submitted sealed and in writing, to be
16 opened publicly at the time and place of the political subdivision's choosing.

17 (5) The design-build contract shall be awarded to the design-builder whose proposal represents the
18 best overall value to the political subdivision in terms of quality, technical skill, and schedule.

19 (6) No proposal shall be entertained by the political subdivision that is not made in accordance with
20 the request for proposals furnished by the political subdivision.

21 4. (1) The payment bond requirements of section 107.170 shall apply to the design-build project. All
22 persons furnishing design services shall be deemed to be covered by the payment bond the same as any person
23 furnishing labor and materials; however, the performance bond for the design-builder does not need to cover
24 the design services as long as the design-builder or its subcontractors providing design services carry
25 professional liability insurance in an amount established by the political subdivision in the request for
26 proposals.

27 (2) Any person or firm providing architectural, engineering, landscape architecture, or land-surveying
28 services for the design-builder on the design-build project shall be duly licensed or authorized in this state to
29 provide such services as required by chapter 327.

30 5. A political subdivision planning a design-build project shall retain an architect or engineer, as
31 appropriate to the project type and duly licensed in this state, to assist with the design criteria package,
32 preparation of the request for proposals, prequalifying design-builders, and evaluation of proposals.

33 6. Under section 327.465, any design-builder that enters into a design-build contract for a political
34 subdivision is exempt from the requirement that such person or entity hold a certificate of registration or that
35 such corporation hold a certificate of authority if the architectural, engineering, or land-surveying services to
36 be performed under the contract are performed through subcontracts with properly licensed and authorized
37 persons or entities, and not performed by the design-builder or its own employees."; and

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39 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
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